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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

OTTO ARCHIVE, LLC, a New York
limited liability company,

Plaintiff,

v.

QUADRILLE WALLPAPERS AND
FABRICS, INC, a New York corporation,
individually and d/b/a
“QUADRILLEFABRICS.COM”; and
DOES 1-10,
Defendants.

Case No.

PLAINTIFF’S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT
2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

Otto Archive, LLC (“Otto”) hereby prays to this Court for relief based on
the following allegations:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101,
et seq.

2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
1338 (a)-(b).

1 knowledge of all the facts and circumstances of each violation of Plaintiff's rights
2 and the damages to Plaintiff proximately caused thereby.

3 **INFRINGEMENT OF**
4 **THE COPYRIGHTS IN THE SUBJECT PHOTOGRAPHS**

5 8. By virtue of contractual assignments with the respective
6 photographers, Plaintiff is the sole and exclusive agent and representative for the
7 licensing and use of certain original photographs (the "Subject Photographs").
8 Pursuant to that assignment, Plaintiff has standing to maintain this action under 17
9 U.S.C. § 501(b). The Subject Photographs are registered with the U.S. Copyright
10 Office. The Subject Photographs and their corresponding titles, photographers, and
11 registration numbers are set forth in **Exhibit 1**.

12 9. Following the publication and display of the Subject Photographs,
13 Quadrille copied, published, displayed, created derivative works of, distributed,
14 and/or otherwise used the Subject Photographs on Quadrille's Platform without a
15 license, authorization, or consent (collectively, the "Accused Posts"). Screen
16 captures of the Accused Posts are set forth in **Exhibit 2**.

17 **FIRST CLAIM FOR RELIEF**

18 **(For Copyright Infringement - Against All Defendants, and Each)**

19 10. Plaintiff incorporates by reference the allegations contained in the
20 preceding paragraphs of this Complaint.

21 11. Upon information and belief, Defendants, and each of them, had
22 access to the Subject Photographs, including through viewing the Subject
23 Photographs on OTTO's or the Photographers' websites, social media pages,
24 galleries, or exhibitions; or on Internet search engines or third-party websites.

25 12. Upon information and belief, Defendants, and each of them,
26 displayed, published, reproduced, distributed, created derivative works of, and/or
27 otherwise used copies of the Subject Photographs on Quadrille's Platform without
28 a license, authorization, or consent from OTTO.

1 13. Due to Defendants' acts of copyright infringement, OTTO has
2 suffered damages in an amount to be established at trial.

3 14. Due to Defendants' acts of copyright infringement, Defendants have
4 obtained profits they would not have realized but for their infringement of the
5 copyrights in the Subject Photographs. As such, OTTO is entitled to disgorgement
6 of Defendants' profits attributable to the infringement of the copyrights in the
7 Subject Photographs in an amount to be established at trial.

8 15. Upon information and belief, Defendants, and each of them, have
9 committed acts of copyright infringement with actual or constructive knowledge
10 of, or in reckless disregard of, the Photographers' and/or OTTO's rights in the
11 Subject Photographs, which renders those actions willful, intentional, or malicious.

12 **SECOND CLAIM FOR RELIEF**

13 **(For Vicarious and/or Contributory Copyright Infringement – Against all**
14 **Defendants, and Each)**

15 16. Plaintiff incorporates by reference the allegations contained in the
16 preceding paragraphs of this complaint.

17 17. Upon information and belief, Plaintiff alleges that Defendants
18 knowingly induced, participated in, aided and abetted in and profited from the
19 illegal reproduction and distribution of the Subject Photographs as alleged
20 hereinabove. Such conduct included, without limitation, publishing photographs
21 obtained from third parties that Defendant(s) knew, or should have known, were
22 not authorized to be published by Defendant(s); publishing the Accused Posts on
23 affiliate, third-party, and social media sites; and distributing the Accused Posts to
24 third-parties and the public.

25 18. Upon information and belief, Plaintiff alleges that Defendants, and
26 each of them, are vicariously liable for the infringement alleged herein because
27 they had the right and ability to supervise the infringing conduct and because they
28 had a direct financial interest in the infringing conduct. Specifically, Defendants,

1 and each of them, received revenue in connection with the Accused Posts, and
2 were able to supervise the distribution, broadcast, and publication of said content.

3 19. By reason of the Defendants', and each of their, acts of contributory
4 and vicarious infringement as alleged above, Plaintiff has suffered general and
5 special damages in an amount to be established at trial.

6 20. Due to Defendants' acts of copyright infringement as alleged herein,
7 Defendants, and each of them, have obtained direct and indirect profits they would
8 not otherwise have realized but for their infringement of Plaintiff's rights in the
9 Subject Photographs. As such, Plaintiff is entitled to disgorgement of Defendants'
10 profits directly and indirectly attributable to Defendants' infringement of its rights
11 in the Subject Photographs, in an amount to be established at trial.

12 21. Plaintiff alleges on information and belief that Defendants, and each
13 of them, have committed acts of copyright infringement, as alleged above, which
14 were willful, intentional and malicious, which further subjects Defendants, and
15 each of them, to liability for statutory damages under Section 504(c)(2) of the
16 Copyright Act in the sum of up to \$150,000.00 per infringement and/or a
17 preclusion from asserting certain equitable and other defenses.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for judgment as follows:

- 20 a. That Defendants, each of them, their respective agents, and anyone
21 acting in concert with Defendants and/or their agents, be enjoined
22 from using the Subject Photographs without a license, authorization,
23 or consent from Plaintiff in a manner that infringes the copyrights in
24 the Subject Photographs, including an Order requiring Defendants,
25 and each of them, to remove the Subject Photographs from
26 Quadrille's Platform and any/all computers and servers in Quadrille's
27 possession, custody, or control;
28

- Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: March 14, 2023

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